



Benin

Country Reports on Human Rights Practices - [2002](#)

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The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated in April 2001, after elections that observers generally viewed as free but not entirely fair. There were 19 political parties represented in the unicameral, 83-member National Assembly. The March 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Nicephore Soglo, which gained 27 seats in Parliament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. The Government generally respected the constitutional provision for an independent judiciary; however, the executive has important powers in regard to the judiciary, and the judiciary was inefficient and susceptible to corruption at all levels.

The civilian-controlled security forces consisted of the armed forces, headed by the State Minister in charge of Defense Matters, and the police force under the Ministry of Interior, Security, and Decentralization. The Ministry of Defense supervised the Gendarmerie, which exercised police functions in rural areas, while the Ministry of Interior supervised other police forces. The armed forces continued to play an apolitical role in government affairs despite concerns about lack of morale within its ranks and an ethnic imbalance within the forces. Members of the police committed some human rights abuses.

The country was extremely poor with average yearly per capita income below \$400; its population was approximately 6.5 million. The economy was based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The Government has maintained the austerity program; continued to privatize state-owned enterprises; reduced fiscal expenditures; and deregulated trade. The Government estimated the growth rate at 5 percent for the year; however, approximately 2 percent of this growth can be credited to major infrastructure projects, such as road construction, that were funded by foreign aid.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were credible reports that police sometimes tortured and beat suspects, and at times the authorities arbitrarily arrested and detained persons. During the year, some local authorities at times restricted freedom of assembly and police forcibly dispersed demonstrations. The most serious human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; harsh and unhealthy prison conditions; serious administrative delays in processing ordinary criminal cases with attendant denial of timely, fair trials; judicial corruption; violence and societal discrimination against women; and trafficking and abuse of children. The practice of female genital mutilation (FGM) and, to a lesser extent, infanticide also remained problems. Child labor, including forced and bonded child labor, continued to be a problem. Trafficking in persons was a problem. Benin was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There was no action taken against the persons responsible for the deaths of three prisoners during the May 2000 riot at the Lokossa prison (Mono department).

In March and June, there were reports that unidentified persons attacked and killed Fulani in the Zou (west) and Alibori (north) regions.

During the year, incidents of mob justice continued to occur nationwide. Most often these were cases of mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. For example, in October a mob set fire to a man who allegedly attacked a motorbike taxi driver in Calavi. In the same month in a Cotonou suburb, a mob beat to death two men who allegedly stole a woman's purse (firefighters prevented the mob from burning the two bodies). Although a number of these incidents occurred in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved, and police most often ignored vigilante attacks. However, in January vigilante leader "Colonel Devi" was arrested in the southwest (Couffo) region following the November 2001 killing of two persons at his home. He was taken to a prison in the northeastern region, where he remained confined awaiting trial at year's end.

There was no known action taken against the persons responsible for the following 2001 mob killings: The April burning to death in Bante sub-prefecture of a suspected sorcerer and an accused thug, and the 10 reported incidents in November in which mobs in several sections of Cotonou attacked persons, killing at least 5, who allegedly had committed ritualistic "thefts" of children and of body parts.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports that police sometimes beat and tortured criminal suspects. In February the nongovernmental organization (NGO), Human Rights League (HRL), claimed that police or military agents had beaten and tortured taxi driver Togbe Kuassi Mensah and businessman Patrice Doko for their expressions of political opinion. HRL insisted that a National Hospital physician had signed a medical certificate attesting to Mensah's injuries. After an investigation, the Ministry of Justice concluded the allegations were baseless, and no further action was taken by year's end.

There were no further developments in the case of the March 2001 police attack on National Assembly Deputy Valentin Somasse.

Although the Government continued to make payments to victims of torture under the military regime that ruled from 1972 to 1989, not all victims were paid by year's end. In 2001 a commission within the Justice Ministry was assigned to look into nonpayment; however, no further action was taken by year's end.

Mob justice resulted in serious injuries to a number of persons (see Section 1.a.).

Prison conditions continued to be extremely harsh. Extensive overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. The prison diet was seriously inadequate; malnutrition and disease were common. Family members were expected to provide food for inmates to supplement prison rations.

Women were housed separately from men; however, juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners; however, they were not held with the most violent convicts or those subject to the death penalty. Prisoners were allowed to meet with visitors such as family members, lawyers, and others.

According to the Justice Ministry, the country's 8 civil prisons have a collective capacity of approximately 5,000 persons; however, the prisons at times were filled to more than 3 times their capacity. The prison in Natitingou (in Atacora province) was the only one of eight prisons nationwide below full capacity. While delayed due to funding problems, a new 1,000-person prison still was under construction in Akpro-Misserete (Oueme department) at year's end. On the eve of the August 1 Independence Day holiday, the Government granted partial amnesty or modified the sentences of some prisoners convicted of minor crimes, such as petty theft.

The Government permitted prison visits by human rights monitors, and NGOs continued their prison visits. In December the Benin Commission for Human Rights (CBDH) made unannounced visits to several prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, at times the authorities arbitrarily arrested and detained persons. The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as much as a week, using the common practice of holding a person indefinitely "at the disposition of" the public prosecutor's office before presenting their case to a magistrate. Approximately 75 percent of persons in prison were pretrial detainees.

The Constitution prohibits forced exile of citizens, and it was not practiced.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the executive branch has important powers in regard to the judiciary, and the judiciary remained inefficient in some respects and was susceptible to corruption at all levels.

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly trained staff, and overcrowded dockets resulted in a slow administration of justice. The low salaries of magistrates and clerks had a demoralizing effect on their commitment to efficient and timely justice and made them susceptible to corruption.

A civilian court system operated on the national and provincial levels. There was only one court of appeals. The Supreme Court was the court of last resort in all administrative and judicial matters. The Constitutional Court was charged with deciding on the constitutionality of laws, disputes between the President and the National Assembly, and disputes regarding presidential and legislative elections. Its rulings in past years against both the executive and legislative branches, which were respected by both branches, demonstrated its independence from both these branches of government; however, it was accused of bias in favor of the President during the 2001 presidential elections (see Section 3).

The Constitution also provides for a High Court of Justice to convene in the event of crimes committed by the President or government ministers against the state. Under the Constitution, the High Court is to consist of members of the Constitutional Court (except for its president), six deputies elected by the National Assembly and the Supreme Court, and the Chairman of the Supreme Court. The first members of the High Court of Justice were sworn in and began serving their terms in 2001. Inefficiency and corruption particularly affected the judiciary at the trial court and investigating magistrate levels. Military disciplinary councils deal with minor offenses by members of the military services, but they have no jurisdiction over civilians.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant enjoys the presumption of innocence and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice the court provided indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. Trials were open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. Defendants who were awaiting a verdict may request release on bail; however, the courts granted such requests only on the advice of the Attorney General's office.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Police were required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice. In 2000 the Government, namely the former Managing Director of the Office of Post and Telecommunication, denied charges of wiretapping involving former President Soglo. The National Assembly began an investigation in 2001; however, no results were released publicly by year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The government entity with oversight responsibility for media operations was the High Authority for Audio-Visual Media and Communications (HAAC), which required broadcasters to submit weekly lists of planned programs and required publishers to deposit copies of all publications with it; however, the media did not comply with these requirements in practice.

The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression; however, there were no reports that journalists or others have been imprisoned.

There was a large and active privately owned press composed of more than a dozen daily newspapers. These publications criticized the Government freely and frequently, but the effect on public opinion was limited because of their urban concentration. A nongovernmental media ethics commission (ODEM) continued to censure some journalists for unethical conduct during the year, as well as commending some journalists for adherence to the standards of their profession.

Privately owned radio and television stations have become increasingly popular sources of information. Programs critical of the Government were broadcast without interference during the year, and "call-in" and other talk shows often were used for public discussion of topics related to the December municipal election campaign. On November 19, the HAAC published the media regulations for the municipal election campaigns. It designated which radio and television outlets were allowed to cover the elections and indicated the geographical locations in which they will be permitted to operate. The HAAC also set the official radio advertising fees for the campaign.

The Government continued to own and operate the media that were most influential in reaching the public because of broadcast range and infrastructure. The majority of citizens were illiterate and live in rural areas; they largely received their news via radio. The Benin Office of Radio and Television (ORTB) transmitted on the FM and AM frequencies and by short wave in French and local languages. Radio France International also transmitted on a local FM frequency under an agreement with the Government. The British Broadcasting Corporation broadcast in Cotonou in French and English. Fifteen rural radio stations governed by local committees broadcast several hours a day exclusively in local languages. These stations received support from the ORTB.

A similar arrangement existed for television transmissions; the ORTB broadcast more than 12 hours per day on a signal that was easily received in urban areas. Approximately 80 percent of the ORTB's television programming was in French.

TV5, a commercial venture with investments by television broadcasting organizations in France, Canada, Belgium, and Switzerland, broadcasts locally 24 hours per day entirely in French under an agreement with the Government. A privately owned television station, LC-2, broadcast in Cotonou. LC-2 was owned by several private businesspersons and featured light entertainment and news; however, news coverage generally required payment. Although neither television station broadcast partisan programs in support of, or unduly critical of, the Government, the vast majority of news programming centered on government officials' activities, government-sponsored conferences, and international stories provided by French television or other foreign sources.

HAAC regulations govern satellite reception equipment and movie and video clubs. Regulations govern private video clubs, which typically met at members' homes and required a payment of \$.07 (50 CFA francs) per viewer per film. These regulations, issued by the Ministries of Culture and Interior, imposed an initial registration fee of approximately \$137 (100,000 CFA francs) per club and annual fees of approximately \$14 (10,000 CFA francs) thereafter. Given the Government's limited law enforcement resources, enforcement of the regulations was problematic.

Internet service was available in cities; there were no governmental restrictions on its use.

The Government did not restrict academic freedom. University professors were permitted to lecture freely, conduct research, and publish their work.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice;

however, during the year, local government officials at times restricted this right. The Government requires permits for use of public places for demonstrations and generally granted such permits; however, during the year, the new mayor of Cotonou, Jerome Dandjinou, refused to allow demonstrations and marches by students, the opposition political party Renaissance du Benin (RB), and labor unions. In April and May, the RB party attempted protest marches; however, the police forcibly dispersed them with tear gas. The Mayor claimed he only was trying to "discourage civil unrest." In August he refused to permit a demonstration by HRL members protesting a new tax on motorbike taxis. Nevertheless, the HRL attempted to march, and the police forcibly dispersed them.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The Government requires associations to register and routinely granted registrations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Persons who wish to form a religious group must register with the Ministry of the Interior. Registration requirements were identical for all religious groups. There were no reports that any group was refused permission to register or was subjected to unusual delays or obstacles in the registration process. Religious groups were free from taxation.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints served as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such corruption at roadblocks; however, they were not always effective and extortion occurred.

The Government did not restrict international travel for political reasons, and those who travel abroad may return without hindrance. However, during the year, the Government imposed documentary requirements for minors travelling abroad as part of its continuing campaign against trafficking in persons (see Section 6.f.).

The Government's policy toward the seasonal movement of livestock allowed migratory Fulani herdsman from other countries to enter freely; the Government did not enforce designated entry points. Disputes arose between the herdsman and local landowners over grazing rights.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of first asylum. During the year, a number of citizens of Togo continued to enter the country and were granted refugee status or given first asylum; however, many returned to Togo. As of December 2001, there were 1,182 Togolese refugees in the country and a total of 1,921 Togolese living in the country under UNHCR auspices. Despite severe economic pressures that limited its ability to provide education for children, the Government allowed these Togolese to enroll their children in local schools and permitted their participation in some economic activities. As of December 2001, the Government had accepted 1,186 refugees and asylees from the Democratic Republic of the Congo (DRC) and 486 others were destined for eventual resettlement in another country.

In contrast the UNHCR estimated that 250 Ogoni refugees from Nigeria were at a disadvantage because they did not speak French and could not work nor could their children attend schools. UNHCR officials directed them to remain within the confines of the Kpomasse refugee camp to avoid potential confrontations with local inhabitants and maintained administrative control over their activities.

In addition, there were fewer refugees from Algeria, Burundi, Cameroon, the Central African Republic, Chad, the Republic of Congo, the DRC, Ethiopia, Liberia, Niger, Nigeria, Rwanda, Sudan, and Sierra Leone. The UNHCR estimated that, as of December 2001, there were 5,021 refugees of various nationalities in the country and that approximately 2,300 persons residing in the country were requesting asylum.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage. Citizens exercised this right in the 2001 presidential elections; however, observers generally viewed the presidential elections as free but not entirely fair. The Constitution provides for a 5-year term of office for the President (who is limited to two terms) and 4-year terms for National Assembly members (who may serve an unlimited number of terms).

President Kerekou was inaugurated in April 2001. Observers viewed the reelection of Kerekou as free but not entirely fair because of the apparent judicial manipulation of the presidential electoral counts, the intimidation of opposition deputies, and the unprecedented scope of the campaign expenditures made by the President's coalition. When opposition candidates challenged the preliminary, first-round presidential vote tallies, the Court initially affirmed those results despite the electoral commission's concession that computer failures and other irregularities made those tallies unreliable. Following extensive public criticism, the Court reviewed the evidence in more detail, modified the tallies, and gave some of the numerous opposition candidates marginally higher total votes. President Kerekou, who ruled the country as a Socialist military dictator from 1972 to 1989, succeeded his democratically elected predecessor in 1996 and continued the civilian, democratic rule begun in the 1990-91 constitutional process that ended his previous reign. There were 19 political parties represented in the unicameral, 83-member National Assembly. The 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Soglo, which gained 27 seats in Parliament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. Consequently, legislative power shifts between opposition and progovernment forces. For example, the President of the National Assembly was from an opposition party. The campaign for the country's first ever municipal elections in December was marred by charges by the opposition parties that the pro-Kerekou coalition engaged in the same vote-buying and other improper election tactics, which it also was alleged to have done in the 2001 presidential elections. The opposition parties alleged fraud and forged voter cards during the December 15 municipal elections and criticized the National Election Commission's handling of the election; however, the opposition won the majority of seats on the municipal councils in the large cities.

Women participated actively in political parties. Following a Cabinet reshuffle in 2001, there were 2 women in the 22-member Cabinet. There were 6 women in the 83-member, unicameral National Assembly, including the leader of the largest opposition party. The President of the Constitutional Court was a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, and sex, but societal discrimination against women continued. Persons with disabilities were disadvantaged.

Women

Domestic violence against women, including wife beating, was common. According to incomplete court statistics for Cotonou in 1999, only 35 criminal proceedings based on reports of violence against women were ongoing at the end of 1999. The maximum penalty ranges from 6 to 36 months' imprisonment. NGO observers believe that women remained reluctant to report cases. Judges and police also were reluctant to intervene in domestic disputes; society and law enforcement considered such cases to be an internal family matter.

The Government generally was unsuccessful in preventing FGM, which was legal. FGM was practiced on females ranging from infancy through 30 years of age and generally took the form of excision. Surveys, including one conducted by the World Health Organization in 1999, reliably estimated that the number of women who had undergone FGM at approximately 50 percent. A prominent NGO, the Benin chapter of the Inter-African Committee, made progress in raising awareness of the dangers of the practice, and the Government cooperated with its efforts. According to recent research, there was a strong profit motive in the continued practice of FGM by those

who performed the procedure, usually older women. The efforts of NGOs and others to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities continued during the year. The press reported that the number of girls and women undergoing FGM decreased significantly each year since 1996. The NGO APEM believed that if the trend continued, the practice could be eradicated by 2005.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive societal discrimination, especially in rural areas where they occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. In urban areas, women dominated the trading sector in the open-air markets. By law women have equal inheritance and property rights, but local custom in some areas prevented them from inheriting real property.

The long-debated Family Code finally was approved by the National Assembly in June. It was being reviewed by the Constitutional Court at year's end. Critics called it a women's code and charged that it would give women unfair advantages. The code strengthened the inheritance and property rights for women, among other things; however, both opponents and supporters considered that the legislation was only a first step and that the code likely will be amended.

Children

The Ministry of Labor and Social Affairs was responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family, Social Protection, and Solidarity had oversight roles in the promotion of human rights issues with regard to children and their welfare.

Education was free but not compulsory. In some parts of the country, girls received no formal education. The Government was trying to boost primary school enrollment, which was approximately 95 percent of boys and approximately 66 percent of girls nationwide; only 26 percent of boys and only 12 percent of girls were enrolled in secondary school. Girls did not enjoy the same educational opportunities as boys, and female literacy was approximately 18 percent (compared with 50 percent for men). However, elementary school pass rates in recent years highlighted significant progress by girls in literacy and scholastic achievement.

There was a tradition in which a groom abducts and rapes his prospective child bride (under 14 years of age). Criminal courts meted out stiff sentences to criminals convicted of crimes against children, but many such crimes never reached the courts due to lack of education and access to the courts or fear of police involvement in the problem.

The Government, in concert with NGOs, made serious efforts to combat child abuse and trafficking in children, including media campaigns, programs to assist street children, greater border surveillance, and a conference on trafficking (see Section 6.f.). Following the April 2001 arrival of the Etireno, a ship reportedly transporting trafficked children, the National Commission on Children's Rights prepared an action plan to counter child trafficking. The plan was presented to the Government and financing for it still was pending at year's end. Despite such efforts, the abuse of children remained a serious problem.

Some traditional practices inflicted hardship and violence on children, including most prominently the custom of "vidomegon," whereby poor, often rural, families place a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represents to the parental family. The children work, but the arrangement was voluntary between the two families. There was a considerable amount of abuse in the practice, and there were instances of sexual exploitation. Approximately 90 to 95 percent of the children in vidomegon were young girls. Children were sent from poorer families to Cotonou and then some of the children were sent to Gabon, Cote d'Ivoire, and Central African Republic to help in markets and around the home. The child received living accommodation, while income generated from the child's activities was split between the child's parents in the rural area and the urban family that raised the child. Following the Etireno incident, the Government renewed its analysis of the impact of vidomegon (see Sections 6.c. and 6.f.). In March a 12-year-old child living in vidomegon reportedly committed suicide because of ill treatment. In June a woman reportedly beat to death a 6-year-old child living in her household, then she returned the body to the child's parents for burial.

FGM was performed commonly on young girls (see Section 5, Women).

Trafficking in children for purposes of forced labor or prostitution in other countries, remained problems (see Section 6.f.).

Other traditional practices include the killing of deformed babies, breech babies, and one of two newborn twins (all of whom were thought to be sorcerers in some rural areas). There were numerous press reports of infanticide during the year, and some NGOs were combining their anti-infanticide efforts with programs to counter FGM.

Persons with Disabilities

The Constitution provides that the State should care for persons with disabilities; however, the Government did not mandate accessibility for them. There were no legal requirements for the construction or alteration of buildings to permit handicapped access.

The Government operated a number of social centers for persons with disabilities to assist their social integration. Nonetheless, many were unable to find employment and resorted to begging to support themselves.

The Labor Code includes provisions to protect the rights of workers with disabilities, which was enforced with modest effectiveness during the year.

National/Racial/Ethnic Minorities

There was a long history of regional rivalries. Although southerners were preeminent in the Government's senior ranks, many prominent military officers came from the north. During the year, new appointments reduced the imbalance. The south has enjoyed more advanced economic development and traditionally has held politically favored status.

During the 2001 presidential campaign, ethnic rivalries were evident. Candidate Sacca Lafia, first vice-president of the National Assembly, gave speeches urging his fellow northerners and members of his own Bariba group to prepare to seize power from other groups. President Kerekou, also a northerner, is a member of the Somba group (see Section 3).

Section 6 Worker Rights

a. The Right of Association

The Constitution provides workers with the freedom to organize, join unions, meet, and strike, and the Government usually respected these rights in practice. The labor force of approximately 2 million was engaged primarily in subsistence agriculture and other primary sector activities, with less than 2 percent of the population engaged in the modern (wage) sector.

Although approximately 75 percent of the wage earners belonged to labor unions, a much smaller percentage of workers in the private sector were union members. There were several union confederations, and unions generally were independent of government and political parties. The Economic and Social Council, a constitutionally mandated body established in 1994, included four union representatives.

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal; however there were reports of individuals being dismissed for union activity. In 2001 the Brasseries du Benin reportedly fired union leaders Rufin Domingo, Roger Loko, and Jean Ahossi, and alleged their involvement in theft and distribution of confidential accounting documents. There was no warning that they were suspected of any such offense. The three were the General Secretary and first and second Assistant Secretaries of the Syndicat National des Ouvriers et Cadres, and they were dismissed on the day of union elections at the company. The Government levies substantial penalties against employers who refuse to rehire workers dismissed for lawful union activities. Union leader Rufin Domingo brought his case before the Labor Tribunal. His case was pending at year's end.

There were no known instances of efforts by the Government to retaliate against union activity; however, the International Confederation of Free Trade Unions alleged that hostility to trade unions persisted and that union members were intimidated. A company may withhold part of a worker's pay following a strike. Laws prohibit employer retaliation against strikers, and the Government enforced them effectively.

During the year, the mayor of Cotonou prohibited demonstrations by labor unions (see Section 2.b.).

Unions may form freely or join federations or confederations and affiliate with international bodies. The two major

labor confederations were affiliated with the Brussels-based Confederation Internationale de Syndicats Libres. In October 2001, union members voted in "professional elections" for the federation or confederation that each member would like as his or her labor representative. In March the Government finally released the election results; many unions criticized the unexplained delay. The Confederation Syndicale des Travailleurs du Benin (CSTB), and Confédération des Syndicats Autonomes du Benin (CSA-Benin) were declared the winners. The Government's decision to certify CSTB and CSA-Benin as cointerwinners for the public and the private sector contests drew heavy criticism.

b. The Right to Organize and Bargain Collectively

The Labor Code generally allows workers the freedom to organize and administer their own unions. The Labor Code provides for collective bargaining, and workers freely exercised these rights. Wages in the private sector were set in negotiations between unions and employers. The Labor Code also includes a section on the rights of workers with disabilities (see Section 5). The Government sets wages in the public sector by law and regulation.

Strikes were permitted; however, and the authorities can declare strikes illegal for stated causes, such as threatening to disrupt social peace and order, and can requisition striking workers to maintain minimum services. Unlike in the previous year, there were no reports that strikes were declared illegal. There were a number of teachers' strikes during the year, which disrupted schools from the primary through university levels.

Under the strike law of 2001, the Government can no longer prohibit any strike on the grounds that it threatens the economy or the national interest. The law also reduced the advance warning required before a strike from 5 to 3 days.

Labor unions continued to oppose the Government's merit-based promotion scheme. Unions also opposed a 1969 decree (which was still in effect) permitting the Government to dock the wages of striking public sector employees.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Labor Code prohibits forced or bonded labor, including by children; however, the law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression. No such sentences were imposed during the year.

In addition, forced child labor was a problem (see Sections 5 and 6.f.). Some financially desperate parents indentured their children to "agents" recruiting farm hands or domestic workers, often on the understanding that wages for the children would be sent to the parents. According to press reports, in some cases, these agents took the children to neighboring countries for labor (see Sections 5 and 6.f.). The Government took steps to educate parents and to prevent such placing of children in bonded labor. Also, many rural children were sent to cities to live with relatives or family friends, often on the understanding that in return for performing domestic chores, they would receive an education (see Section 5). Host families did not always honor their part of the bargain, and the abuse of child domestic servants occurred. The Government has taken some steps to curb abuses, including media campaigns, regional workshops, and public pronouncements on child labor problems. In March government officials from Benin and five other West African countries met with trade unionists to discuss how they will work together to combat widespread child labor and child trafficking in the region.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remained a problem. The Ministry of Labor enforced the Labor Code in only a limited manner (and then only in the modern sector) due to the lack of inspectors. To help support their families, children of both sexes—including those as young as 7 years old—continued to work on rural family farms, in small businesses, on construction sites in urban areas, in public markets, and as domestic servants under the practice of *vidomegon* (see Section 5). A 2000 report estimated that 75 percent of apprentices working as seamstresses, hairdressers, carpenters, and mechanics were younger than 15-years of age. A majority of these apprentices were under the legal age of 14 for apprenticeship. Children also commonly worked as street vendors.

Forced child labor was a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

The Government administratively sets minimum wage scales for a number of occupations. In 2000 the Government raised the minimum wage to approximately \$34 (25,000 CFA francs) per month. However, the minimum wage did not provide a decent standard of living for a worker and family. Many workers must supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage, although many domestics and other laborers in the informal sector earned less.

The Labor Code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week. The authorities generally enforced legal limits on workweeks in the modern sector. The code establishes health and safety standards, but the Ministry of Public Service, Labor, and Administrative Reform did not enforce them effectively. The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The Ministry has the authority to require employers to remedy dangerous work conditions but did not enforce this authority effectively.

f. Trafficking in Persons

Although no law specifically prohibits trafficking in persons, the Government interprets its laws as prohibiting trafficking in persons in general and in underage girls in particular; however, there were reports of trafficking in children, which continued to be the subject of considerable media coverage. Longstanding provisions of the criminal code prohibit kidnapping. The country was a source, transit, and destination for trafficked persons, primarily children.

The Constitution and the law prohibit child prostitution; however enforcement was not effective and frequently lax. Child prostitution mainly involved young girls. They were from poor families who urged them to become prostitutes to provide income for the family. They were abused sexually by teachers who sought sex for better grades. They were lured to exchange sex for money by older men who acted as their "protectors." There were street children who became prostitutes to support themselves. There were reports of sexual tourism and reports that adult males preferred young girls because they were viewed as less demanding and less likely to have HIV/AIDS. The Government organized assistance to child prostitution victims and worked jointly with NGOs and international organizations on prevention programs.

The Government publicized various arrests of potential traffickers; however, there were no reports of subsequent legal action against the alleged traffickers.

Internal trafficking of children within the country took place in connection with the forced servitude practice called "vidomegon," whereby poor, often rural, families place a child, primarily a daughter, in the home of a more affluent family to avoid the burden the child represents to the parental family. The children worked, but the arrangement was voluntary between the two families (see Section 5).

Children were trafficked to Ghana, Nigeria, and Gabon for indentured or domestic servitude, farm labor, and prostitution. In addition, hundreds of children were taken across the border to Togo and Cote d'Ivoire to work on plantations. Children from Niger, Togo, and Burkina Faso have been trafficked to the country for indentured or domestic servitude. Most victims leave home with traffickers who promise educational opportunities or other incentives. Following a child labor conference in 2000, it was reported in an ILO-IPEC report "Combatting Trafficking in Children for Labor Exploitation in West and Central Africa" that 3,061 children were known to have been trafficked in the country between 1995 and 1999. The ILO and UNICEF reported that trafficking originated mainly in the depressed rural areas. UNICEF also reported that trafficked persons originated primarily from the country's southernmost provinces, those with the easiest access to the paved coastal highway that links Cote d'Ivoire, Togo, Benin, and Nigeria. UNICEF also indicated that girls were far more likely to be trafficked than boys.

According to UNICEF, four distinct forms of trafficking occur in the country. "Trafic-don" was the term given to a practice whereby children were given to a migrant family member or stranger, who turned them over to another stranger for vocational training or education. "Trafic-gage" was a form of indentured servitude, in which a debt was incurred to transport the child, who was not allowed to return home until the debt was repaid. "Trafic-ouvrier" was the most common variant, and it was estimated at to be 75 percent of the total traffic of the three provinces UNICEF surveyed in 2000. This practice generally involved children aged 6 years to 12 years, and they worked as artisans, construction laborers, or agricultural or domestic workers. Lastly, "trafic-vente" was simply the outright sale of children.

According to a survey of child labor conducted in 1999 by the Government, the World Bank, and National Institute of Statistics and Economics, 49,000 rural children, constituting 8 percent of the rural child population between the ages of 6 and 16, work abroad, primarily as agricultural workers on plantations in Cote d'Ivoire and as domestic workers in Gabon. Only children who had been trafficked explicitly for labor purposes were counted among the 49,000 children that were estimated to be victims of trafficking. However, the children who left "for other reasons" may conceal an additional number of trafficked children and bring the number close to 80,000. Of the trafficked children, 61 percent were boys and 39 percent were girls. Organized child traffickers particularly have victimized certain villages, and there were villages where up to 51 percent of children were trafficked (see Section 6.c.).

At year's end, none of the persons arrested in connection with the MV Etireno, a ship suspected of carrying trafficked children in March 2001, had been brought to trial.

Following the arrival of the Etireno, the Government undertook a formal investigation and produced a final report, cosigned by UNICEF and Terre des Hommes, an NGO. The final report stressed the regional nature of the trafficking problem, asked for international assistance to help the Government improve its antitrafficking measures, and criticized the tone of international media's coverage of the event. No further action was taken by year's end.

The Government was limited severely by a lack of resources, but did recognize that trafficking was a problem. To prevent trafficking, the Government worked with international organizations to increase literacy rates, diversify the economy, and improve health care. The Brigade for the Protection of Minors, under the jurisdiction of the Interior Ministry, fought crimes against children. The Brigade estimated that between 1998 and the beginning of 2001, the various border control agencies, including gendarmes and police, intercepted 2,053 children at borders other than the port of Cotonou. The Government also worked with NGOs to combat trafficking in children, taking measures that included media campaigns and greater border surveillance (see Section 5); however, police complained that they lacked equipment to monitor trafficking adequately.

The Government participated in a two-part ILO trafficking project with seven other countries (Burkina Faso, Cameroon, Cote d'Ivoire, Ghana, Nigeria, Senegal, and Togo). The Government also has bilateral agreements with Togo, Gabon, and Nigeria, which focus on border control and repatriation of trafficking victims. During the year, the Government concluded a formal agreement with Government of Gabon for the repatriation and reintegration of trafficked children.

In August 2001 in Abomey-Calvi, a group of magistrates held a conference to discuss better ways to enforce the country's existing laws against trafficking and displacement of persons. In August 2001, the city of Cotonou hosted a subregional conference of West African police chiefs to discuss their broad array of trafficking cases, including women and children, and to explore more effective ways to integrate their enforcement and interdiction efforts. Although there was no evidence of concrete results, the subregion's police chiefs adopted resolutions pledging increased information sharing on border control issues; the magistrates created a compilation of existing laws and regulations related to trafficking and discussed methods of improving enforcement efforts.